

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MICHAEL THOMAS,

Plaintiff,

vs.

PROGRESSIVE,

Defendant.

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CIV. ACT. NO. 1:23-cv-225-TFM-B

MEMORANDUM OPINION AND ORDER

On December 29, 2023, the Magistrate Judge entered a Report and Recommendation which recommends the Defendant's motion to dismiss be granted in part, the Plaintiff's complaint be dismissed without prejudice for lack of subject matter jurisdiction, and without leave to amend while the remainder of the Defendant's motion be denied as moot. *See* Doc. 13. No objections were filed and the timeframe has passed.

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation (Doc. 13) is **ADOPTED** as the opinion of this Court. Therefore, Defendant's motion to dismiss (Doc. 9) is **GRANTED** and this case is **DISMISSED without prejudice** for lack of subject matter jurisdiction while the remaining alternative arguments of the motion to dismiss are rendered moot. Further, the Court finds that it need not provide leave to amend because any amendment would be futile.

DONE and ORDERED this 25th day of January, 2024.

/s/Terry F. Moorers
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE